

## **30.52 Off-Site Development Requirements**

**30.52.010 Purpose.** This Chapter sets forth requirements for the dedication of rights-of-way, provision of utilities, street improvement requirements, and drainage improvements within public rights-of-way or private streets whenever land is subdivided or developed within the various districts. These requirements are intended to ensure that off-site improvements meet proper standards, do not unnecessarily obstruct streets and other rights-of-way, and promote the general prosperity, health, safety, convenience and welfare of the public.

**30.52.020 Applicability.** The developer is responsible for complying with the requirements of this Chapter, making the necessary arrangements for the design plans, and installing all improvements. Prior to occupancy or final inspection, the property owner shall install, erect, and construct the improvements required by this Chapter and/or as a condition of approval of the development following the issuance of permits as required by Chapter 30.32. (Ord. 3356 § 3 (part), 2/2006)

### **30.52.030 Street Requirements.**

#### **a. Dedication of Right-of-Way.**

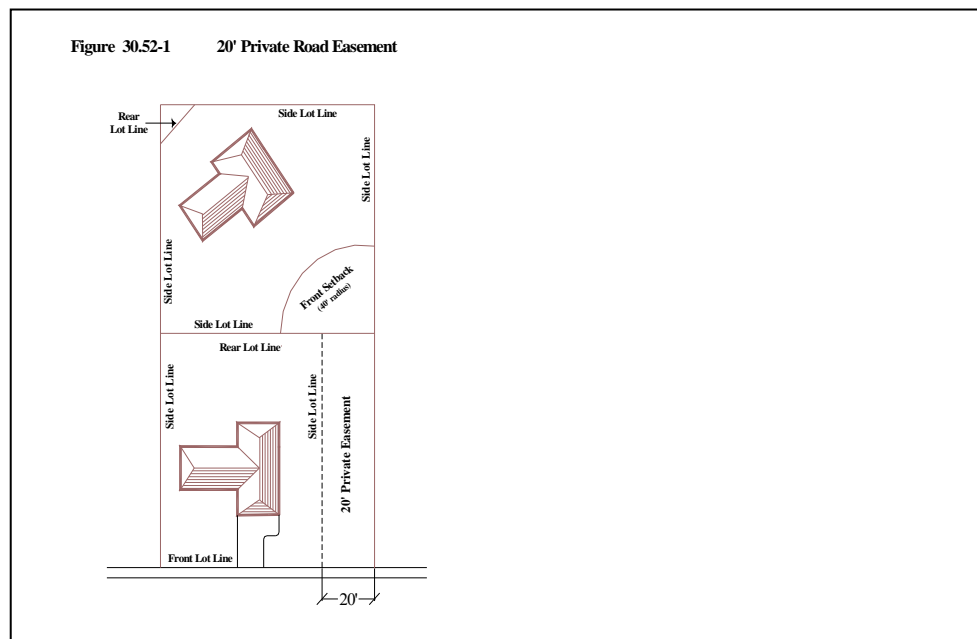
- 1.** Prior to the issuance of building permits, concurrent with the recording of a subdivision map, or within 30 calendar days from a request for dedication by the County for dedication required by the approval of a land use application or subdivision map, right-of-way dedication is required with respect to a broad class of property owners pursuant to NRS 278.02317 for all development which abuts or contains a street for which insufficient dedication has been secured when located within the property lines of the development. Right-of-way dedication requirements are listed below:
  - A.** Arterials or Limited Access Arterials, Township and Range Lines: 120 or more feet in width.
  - B.** Arterials, Section Lines: 100 or more feet in width.
  - C.** Collectors and Quarter Section Lines: 80 or more feet in width.
  - D.** Local streets (public), including 16 and 64 section lines: minimum 60 feet in width.
  - E.** Local residential streets (public) within a single family residential subdivision: minimum 47 feet in width. This minimum width of 37 feet back of curb to back of curb shall not be waived or varied.
  - F.** Non-through streets at lengths greater than 150 feet shall be required to dedicate a turnaround area in accordance with the improvement standards of this Chapter.
  - G.** Additional right-of-way for right turn lanes and second left turn lanes at section line and quarter section line intersections in accordance with the improvement standards of this Chapter.
  - H.** In accordance with the conditions of an approved technical study.
  - I.** All property owners along a street alignment must dedicate their portion (approximate 1/2) of required right-of-way. Off-set street alignment dedication must be approved.

- J.** The County may require additional dedication of right-of-way for public purposes. Right-of-way dedication along Las Vegas Boulevard South may be required up to the width designated per the approved Transportation Element of the Comprehensive Plan (200 foot width from Sahara Avenue to St. Rose Parkway and 300 foot width from St. Rose Parkway to the California border).
- K.** For the purpose of the following provisions and pursuant to NRS 278.0175, a public access easement or right-of-way easement shall be considered a public right-of-way. For detached sidewalks (offset from curb), right-of-way dedication options in addition to dedication to the back of curb shall be as follows:
  - i.** For straight sidewalks, dedication from back of curb to back of sidewalk as a right-of-way easement for roadway and utility purposes, including but not limited to the right to construct, reconstruct, repair, operate and maintain sidewalks, streetlights, utilities, traffic control devices, and appurtenances thereto upon, over, under and through that dedicated property, with reservation of rights to property owners, homeowners association, or landscape maintenance association for all other rights and uses in that dedicated property, provided such rights and uses in no way interfere, impede, invade and/or conflict with the easement granted (see Figure 30.64-17); or
  - ii.** Dedication of the sidewalk (fee simple or easement) with right-of-way easements as needed between back of curb and front of sidewalk to access, install, repair and maintain the sidewalk and public utility (including traffic) facilities (see Figure 30.64-17).
  - iii.** Meandering sidewalks are a non-standard improvement which the County will not maintain. If provided at the request of the property owner, dedication from back of curb to back of sidewalk as right-of-way easement for roadway and utility purposes, including but not limited to the right to construct, reconstruct, repair, operate and maintain sidewalks, streetlights, utilities, traffic control devices, and appurtenances thereto upon, over, under and through that dedicated property, with reservation of rights to property owners, homeowners association, or landscape maintenance association for all other rights and uses in that dedicated property, provided such rights and uses in no way interfere, impede, invade and/or conflict with the easement granted. For the purpose of implementing this requirement, dedication to back of sidewalk shall be based upon that point where the back of sidewalk meanders closest to but not less than 3 feet from the required setback (see Figure 30.64-18).
  - iv.** A condition to vacate and abandon any right-of-way on County-owned property shall be deemed satisfied if the area in question is required to be designated as right-of-way.
- 2.** In no case shall above-ground utility vaults or other appurtenances that would obstruct the intended public use of a detached sidewalk be allowed within any easement granted for such purpose, or within any common lot designated for such purpose, and no easement rights in conflict with this provision shall be granted to a utility company or any other party.
- 3.** Such dedication shall make provision for the continuation of collector and arterial streets and shall conform with the Clark County Comprehensive Plan, Transportation Element, current version or as amended from time to time, and the current Regional Transportation Plan as adopted by the Regional Transportation Commission.
- 4.** Dedication for any alignment which the Director of Public Works determines is unsuitable for the establishment of a right-of-way because of extreme topographic conditions, established street patterns, or other similar condition, may be waived as specified in Section 30.52.120.

5. In the State of Nevada Hydrographic Area 212, commonly known as the Las Vegas Valley PM<sub>10</sub> non-attainment area of Clark County, if the off-site improvements have not been completed and the proposed development is not required by any other section of the Clark County Code to provide the off-site improvements at the time of development of the property, the property owner shall: 1) sign a restrictive covenant for the improvements other than access road paving and dedicate to the County fee title to the right-of-way and pay to the Clark County Capital Improvement Fund the cost of constructing the paved access roadway within the right-of-way to be dedicated. The cost will be established by the Department of Public Works and will be calculated by multiplying the cost per foot by the total linear footage of the property dedicated. Such funds shall be used specifically for paving the roadway frontage of the parcel from which the dedication was required; or 2) sign a restrictive covenant for the improvements and grant the County a right-of-way easement for public access, drainage and utilities. The property owner shall retain the underlying property ownership and shall be responsible for dust control and compliance with Clark County Air Quality Regulations until the right-of-way is improved according to Clark County standards. After the right-of-way is improved and accepted for maintenance, the County, upon the property owner's granting a fee ownership to the County, shall assume maintenance responsibility for the right-of-way.
  6. Alleys are not permitted unless required as a condition of vacating an existing alley.
  7. Except for temporary signs per 30.72.040, structures located, or proposed to be located, within any future right-of-way are prohibited.
- b. **Private Streets and Access Easements.** Minimum widths required by the Fire Department may not be waived.
1. All private street and access easements greater than 150 feet in length that serve more than 1 dwelling unit shall have a minimum width of 37 feet with a minimum 36 foot wide driveable surface per Clark County Improvement Standards. All private street easements greater than 150 feet in length shall terminate in a county-approved turnaround. These minimum width requirements shall not be waived or varied.
  2. All private street and access easements less than 150 feet in length (including the length of the turnaround) that serve more than 1 dwelling unit up to a maximum of 6 dwelling units shall have a minimum width of 25 feet with a minimum 24 foot wide driveable surface. These minimum width requirements shall not be waived or varied.
  3. A private access easement serving only 1 dwelling unit with no frontage on public or private streets shall have a minimum width of 20 feet and need not terminate in a county-approved turnaround. (See Figure 30.52-1)
  4. Private streets may be established without being included within private residential lots within subdivisions if: 1) a homeowners association assumes responsibility for the maintenance of the private street lots and 2) lots are proportionately assessed for the private street lot.

- c. **Legal Access.** Each lot shall have a minimum street frontage of 20 feet or be accessed by a minimum 20 foot wide access easement or driveway. Minimum widths required by the Fire Department may not be waived. (Ord. 3859 § 9 (part), 6/2010; Ord. 3499 § 3, 3/2007; Ord. 3397 § 10 (part), 6/2006; Ord. 3356 § 3 (part), 2/2006; Ord. 3354 § 8, 2/2006; Ord. 3229 § 10 (part), 6/2005; Ord. 3093 § 1, 7/2004; Ord. 2961 § 8 (part), 10/2003; Ord. 2769 § 88, 89, and 90, 7/2002; Ord. 2741 § 9 (part), 5/2002; Ord. 2537(part) § 11, 2001)

**30.52.035 Trail Requirements.** Trail dedication per adopted trail plans may be required in conjunction with any land use application or tentative map. Any modification to trail width requirements will only be granted if an alternative design or site is acceptable and approved by the Department of Comprehensive Planning. (Ord. 3924 § 8 (part), 1/2011; Ord 3859 § 9 (part), 6/2010; Ord. 3524 § 3, 7/2007)



**30.52.040 Improvement Requirements.** The developer shall agree, through the posting of surety bonds in accordance with Section 30.32.150, to provide all improvements required by this Section prior to recording the final subdivision map or the issuance of a building or grading permit. Required improvements shall include, but not be limited to, the following:

1. Grading, curbs, gutters, berms, and paving of streets, highways, and other rights-of-way within, bordering, or necessary to provide access to and serve the development.
2. Grading and subsurface drainage structures necessary for the proper use and drainage of the street and lot, such as culverts, bridges, and storm drains, taking into consideration the drainage patterns on adjacent property.
3. Street name signs and traffic control devices.
4. Sidewalks on all streets as required.
5. Fire hydrants, in proper location and in sufficient numbers, to provide adequate fire protection as required.
6. **Public Sanitary Sewer.**
  - A. Every lot shall be supplied with adequate sanitary sewerage facilities, including sewer mains and house laterals, connected to systems with adequate capacity to serve the proposed development in conformance with the standards and specifications adopted by the Clark County Water Reclamation District, unless an individual sewage disposal system is approved in accordance with Section 30.52.110 below.
  - B. The developer shall provide evidence that the sanitary sewer service provider has agreed to serve the development, has adequate treatment capacity, and has approved the proposed design for any necessary facilities.
  - C. When sanitary sewer service is to be provided by a private system, the developer must provide evidence that the proposed system has been approved in accordance with the laws of the State of Nevada and/or Clark County.
7. **Water Service.**
  - A. Every lot shall be supplied with water adequate for domestic use, and fire protection if required, connected to systems with adequate supply and capacity to serve the proposed development in conformance with the standards and specifications adopted by the municipal water purveyor, unless a private well is approved in accordance with Section 30.52.100 (b) below.
  - B. The developer shall provide evidence that the water service provider has agreed to serve the development, provide adequate supply for domestic use, and fire protection if required, and approved the proposed design for any necessary facilities.
  - C. In cases where there is an existing well serving existing development on the lot, only the new lots being created need be connected to the public water system, provided that the lot remaining on the well meets the Health District requirements for lot size (also see 30.52.100(a)).

- D. When water service is to be provided by a private system, the developer must provide evidence that the proposed system has been approved in accordance with the laws of the State of Nevada and/or Clark County.
8. **Street Lighting and Electric Service.** The electrical distribution systems shall meet the requirements of Clark County and shall be sufficient to serve the proposed development with street lights and power to every lot.
- A. The developer shall furnish statements from the electric utility company stating that the company will furnish electric power to any lot within the development, upon the demand of any lot purchaser, at no cost to the purchaser, to bring the service to the lot.
- B. Street lighting materials, candlepower, illumination and installation shall conform to recommended practice for street and highway lighting, as established by the Illuminating Engineers Society.
- C. All electrical improvements shall be constructed or installed, in accordance to the requirements herein, and meet all applicable requirements of the National Electrical Code, American Standards Association, American Society for Testing Materials, Federal Specifications, National Electric Light Association, National Electric Safety Code, Underwriters Laboratories, Inc, Insulated Power Cable Engineers Association, Illuminating Engineers Society, and Code of Standard Specifications for Public Improvements (Clark County Electrical Ordinance).
9. Provision for service connections from utility lines and sanitary sewers shall be made which will eliminate the necessity of disturbing the street pavement, gutters, culverts, curbs and sidewalks when service connections are made.
10. Prior to improvements being made, plan approvals, the posting of surety bonds, and the issuance of permits in accordance with Chapter 30.32 must be complete. Inspections must be approved prior to acceptance of the improvements.  
(Ord. 3229 § 10 (part), 6/2005; Ord. 3106 § 8 (part), 8/200; Ord. 2741 § 9 (part), 5/2002)

#### **30.52.050 Improvement Standards.**

- a. **Street Improvements.** Street improvements shall be constructed in accordance with the “Uniform Standard Drawings for Public Works Construction Off-Site Improvements, Clark County Area, Nevada” and “Uniform Standard Specifications for Public Works Construction Off-Site Improvements, Clark County Area, Nevada” and appendices, the current editions or as amended from time to time, and on file for public review at the County Clerk’s Office, and at the Regional Transportation Commission of Southern Nevada office, as modified by the “Clark County Supplement to Uniform Standard Drawings and Specifications” and “Minimum Road Design Standards for Non-Urban Roadways” and appendices, the current editions or as amended from time to time, and on file for public review at the County Clerk’s Office and at the office of the Director of Public Works. A copy of said supplement and said non-urban standards may be purchased from the Department of Public Works at the uniform charge of \$10 per copy plus the actual cost for mailing or handling when required.

- b. Drainage Regulations, Criteria, and Design Manual.** Drainage review, analysis, design and plan preparation, which will result in construction or site preparation for drainage, flood control, roadways and related public and private drainage improvements associated with developments, shall be in conformance with Uniform Regulations for the Control of Drainage and Hydrologic Criteria and Drainage Design Manual (including regulations for finished floor elevations), the current edition, or as amended from time to time, and on file at the County Clerk's Office and the Clark County Regional Flood Control District, together with prefaces, tables of contents and appendices, including any standard drawings therein contained, as modified below. All drainage review, including channel improvements, shall consider impacts to downstream properties, water velocities and erosion control. In order to provide for a more natural appearance, drainage ways are encouraged to be lined with natural materials, such as grass (other alternatives are included in the Hydrologic Criteria and Drainage Design Manual), when geotechnical conditions are favorable. Because of varying circumstances, each project shall be reviewed by the Board on a case by case basis to determine an appropriate design for the improvement.

**1. Uniform Regulations for the Control of Drainage Amended/Section 32 Amended.**

- A. Definitions Added.** In addition to the definitions given in Section 32 of the Uniform Regulations for the Control of Drainage, the following terms shall have the additional following meanings for this subsection (b):
- i.** "Local Administrator" means the Director of Public Works and designee, or an individual appointed by the Board of County Commissioners or designated by the County Manager to perform the function defined in the Uniform Regulations for the Control of Drainage.
  - ii.** "Designated Official" means the Director of Development Services and designee, or an individual appointed by the Board of County Commissioners or designated by the County Manager to perform the function defined in the Uniform Regulations for the Control of Drainage.
  - iii.** "Grading Permit" means that permit required by Sections 33, 34 and 35 of the "Uniform Regulations for the Control of Drainage," (URCD) and includes all building or grading permits required for grading by the Building Code and other standards as adopted by Clark County in Titles 22 and 30 of the County Code. If there is a conflict as to which permit or permit process applies to a specific case, the procedures which are most stringent apply.

**2. Uniform Regulations for the Control of Drainage Amended/Section 35 Amended.**

- A. Section 35.080 Amended.** Section 35.080 of the "Uniform Regulations for the Control of Drainage," is amended to read:

**35.080 Warning and Disclaimer of Liability.** Neither the issuance of a permit under the provisions of this Chapter, nor the compliance with the provisions hereof or with any conditions imposed by the Designated Official, shall relieve any person from any responsibility for damage to persons or property otherwise imposed by law, nor impose any liability upon the District and Entity for damage to persons or property.

The Local Administrator, Designated Official, and their designees, charged with the enforcement of this Chapter, acting in good faith and without malice for the Entity or District in the discharge of his duties, shall not thereby render himself liable personally, and he is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or by reason of any act or omission in the discharge of his duties.

- B. Section 35.090 Amended.** Section 35.090 of the “Uniform Regulations for the Control of Drainage” is amended to read:

**35.090 Hazardous Conditions.** The permittee and project engineer shall report to the Designated Official when any existing or proposed excavation, slope, or fill has become a hazard to life and limb, or endangers property, or adversely affects the safety, use or stability of a public way, or drainage channel. The Designated Official shall then notify the owner of the property upon which the excavation or fill is located or other person or agent in control of said property, in writing to repair or eliminate such hazard within the period of time specified in the notice.

- C. Section 35.100 Amended.** Section 35.100 of the “Uniform Regulations for the Control of Drainage” is amended to read:

**35.100 Notice of Noncompliance.** Whenever any construction or work is being done contrary to the provisions of this Chapter, or not in accordance with the plans and specifications submitted and approved as the basis for the issuance of the permit, or if a hazard to life and limb exists, or if public or private property is or may be endangered, the Designated Official, or designee, shall upon notice thereof issue a written notice to the permittee or his/her agent or other responsive employee requiring cessation of work upon that portion of the site where noncompliance, hazard or other violation has occurred or exists.

The notice shall state the nature of the said condition and shall contain sufficient information to apprise the permittee of the nature and extent of the correction required. No work shall be performed on said portion of the site unless or until the noticed condition is rectified and approved upon inspection of the Designated Official or unless, as a condition of continuing the work, special precautions agreeable to the Designated Official are performed by the permittee. Failure of the permittee to take such precautions or rectify such condition, hazard, nonperformance, noncompliance or violation shall be grounds for revocation of the permit.

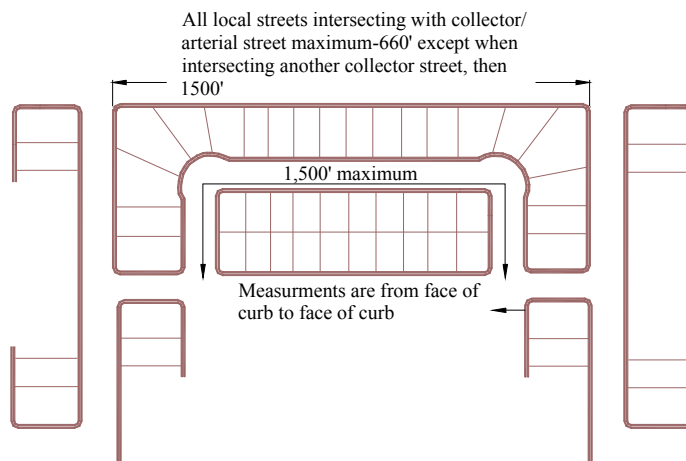
3. If a drainage study is required by this Title, or was required by the Commission or Board as a condition of any subdivision or land use application, two copies of the drainage impact analysis, including all necessary data as required in this Title shall be submitted to the Director of Public Works with fees as required in Table 30.80-5. (Ord. 2842 § 1 (part) 1/2003)
4. Urban runoff including stormwater within the urban areas is permitted through the State of Nevada National Pollutant Discharge Elimination Systems Permit Program as referenced in Chapter 9.08.300. The program requires industrial and construction sites to implement stormwater pollution prevention plans to reduce or eliminate contaminant runoff into the storm drain system. (Ord 3859 § 9 (part), 6/2010; Ord. 3085 § 52, 6/2004; Ord. 3055 § 6, 4/2004; Ord. 2842 § 1 (part) 1/2003; Ord. 2769 § 91 & 92, 7/2002)



### 30.52.052 Street Configuration in Residential Subdivisions.

- a. **Streets on the Interior of Subdivisions.** Streets shall not exceed one thousand five hundred (1,500') feet in length between intersections, except where topographical or other conditions require longer blocks, in which case the Fire Department shall be the approving authority. (See Figure 30.52-2). Wherever blocks are longer than one thousand (1,000') feet, pedestrian crosswalks of not less than five (5') feet in width shall be required where deemed essential for circulation and access to schools, playgrounds, shopping centers and other community facilities.
- b. **Dead End Street.** Streets with a County approved turnaround shall not exceed five hundred (500') feet in length. Streets without a County approved turnaround shall not exceed one hundred fifty (150') feet in length. See applicable Standard Improvement Drawing.
- c. **Intersections.** Street intersections shall be off-set a minimum of one hundred twenty-five (125') feet (measured from right-of-way line to right-of-way line).  
(Ord. 3397 § 10 (part), 6/2006)

**Figure 30.52-2 Street Length**



(Ord. 3397 § 10 (part), 6/2006)

### **30.52.055 Traffic Impact Analysis Requirements.**

- a.** A traffic impact analysis shall be required when:
  - 1.** The development is anticipated to generate a minimum of 50 total trips in a peak hour as defined by the most recent version of the Institute of Transportation Engineers Reference Book, Trip Generation, and its most recent updates or by a trip generation study acceptable to the county; or
  - 2.** A traffic impact analysis is required by the Commission or Board as a condition of any tentative map, final map or land use application approved pursuant to the requirements of this Title 30.
- b. Exception.** If a traffic impact analysis is required by subsection (a) and the development is anticipated to generate between 50 and 300 total trips in a peak hour, the developer shall provide necessary traffic mitigation improvements as determined by the Director of Public Works and paying a traffic mitigation fee in accordance with Table 30.80-5 in lieu of submitting a traffic impact analysis, unless the Director of Public Works requires a traffic impact analysis. These funds shall be set aside in a special account for purposes of constructing traffic mitigation related to developments.
- c. Submittal Requirements.** In order to request a review of a traffic impact analysis, the following shall be submitted to the Director of Public Works:
  - 1.** A minimum of 2 copies of a traffic impact analysis including all necessary data as required in Chapters 30.32 and 30.52 of this Title. Additional copies may be requested by the Director of Public Works if a review by other jurisdictions is required.
  - 2.** Filing fees as required by Table 30.80-5. (Ord 3859 § 9 (part), 6/2010; Ord. 3688 § 9 (part), 10/2008; Ord. 3518 § 11 (part), 5/2007; Ord. 3229 § 10 (part), 6/2005; Ord. 2769 § 93 & 94, 7/2002; Ord. 2510 § 11 (part), 2000)

### **30.52.060 Utility Improvement Requirements.**

- a.** The purpose of this section is to decrease the obstructions of streets and other rights-of-way; standardize, regulate and control the location, size, type, maintenance and quantity of cuts, breaks, alterations and installations of any improvements in the county rights-of-way; promote the health, safety, convenience and general welfare of the public; and improve the aesthetic appearance of the community or area, by requiring that new utility lines including, but not limiting to, electrical and communication distribution lines and appurtenances thereto, be located underground except as hereinafter provided.
- b.** New utility lines or the modification of existing lines including, but not limited to, electric, water, sewer, gas, petrochemical, and communication transmission and distribution lines and related equipment, shall be located underground except as provided below.
  - 1. Exceptions to Underground Requirements.** The following are not required to be installed underground:
    - A.** County equipment installed under the supervision, and to the satisfaction, of the Director of Public Works including, but not limited to, traffic control devices and streetlight systems.
    - B.** New electrical or communications poles proposed to be installed to replace existing overhead poles located along the same existing utility line where no increase in the number of poles is being requested or utility lines being dropped from an existing pole, except as permitted in Table 30.44-1.

- C. New high voltage transmission lines of 34,500 volts or more ( $\geq 34.5$  kv) which may be carried on overhead poles, upon approval of a special use permit identifying the route, pole locations and system design.
- D. Radio antenna and associated equipment, and supporting structures used for furnishing communications services.
- E. Service switch boxes and exposed conduit at buildings and gas and electric meters. The transformers shall be pad-mounted at the back of the sidewalk.
- F. Fire hydrants, valves, vaults, meters, reservoirs and substations for public or private facilities.
- G. Utility lines and related equipment serving, and located within, subdivisions recorded prior to 1968, unless the adopted land use plan or guide specifies that utilities for the area should be underground.
- H. Temporary power poles needed for construction, for approved temporary projects, or for temporary government facilities.

**2. Location of Utility Poles.** When permitted, the forward edge of a utility pole may be located:

- A. 58.5 feet from the centerline of the existing or proposed street right-of-way along a township or range line, plus any additional setbacks at intersections, as required under this Chapter and Chapter 30.56.
- B. 48.5 feet from the centerline of the existing or proposed street right-of-way along a section line, plus any additional setbacks at intersections, as required under this Chapter and Chapter 30.56.
- C. 38.5 feet from the centerline of the existing or proposed street right-of-way along a quarter section line, plus any additional setbacks at intersections, as required under this Chapter and Chapter 30.56.
- D. 18 inches from the edge of any other rights-of-way, or future rights-of-way, lines.
- E. In no case shall a utility pole or above ground related equipment be located such that the resulting existing, or proposed, sidewalk is less than 36 inches wide adjacent to the pole, or as required by the Americans with Disabilities Act, whichever is greater. (Ord. 3296 § 7, 10/2005)

**30.52.070 Responsibilities of Developers/Property Owners for the Provision of Utilities.**

- a. It shall be the responsibility of the property owner to provide uniform and continuous utility easements as may be required for commercial and residential subdivisions.
- b. When subdividing property, the developer shall provide a statement on the tentative subdivision map, indicating the terminal points of the water and sewer distribution systems proposed to be used. After approval of the tentative map, the developer will provide the utility companies with an approved copy of the tentative map.
- c. An overall underground distribution system plan shall be submitted for approval, with the final improvement plans to show the proposed installation. The plan shall show the location of all underground services with locations to be marked at the sidewalk, or the curb, and the meters to be located so that there is access from the street side of the building. The underground services shall be

shown to be covered with a safety guard.

**30.52.080 Improvement Requirements for a Minor Subdivision.**

- a. For maps that require less than full off-site improvements at the time of subdividing, the Director of Public Works shall require an off-site improvement agreement with a restrictive covenant running with the land to be signed by the owner of the property being subdivided. The covenant shall require the construction of full off-site improvements in the future when requested by the Director of Public Works. This requirement may be satisfied by participation in a special improvement district that causes the installation of the required improvements.
- b. If the smallest resulting parcel is 5 gross acres or greater, the off-site improvements required by this Title shall temporarily be deferred until future development, subject to the owner signing an off-site improvement agreement with a restrictive covenant running with the land.
- c. If the smallest resulting parcel is less than 5 acres, prior to acceptance and approval of the parcel map, the Director of Public Works shall require the minimum improvements as listed in subsection (d) through (f). When improvements are required, the improvement plans shall be submitted, approved, and inspected, and surety bonds posted in accordance with Chapter 30.32. For the purpose of this Section, full off-site improvements shall consist of:
  1. For public streets, fire hydrants, sidewalk, curb and gutter, paving of half-streets, street lights, street name signs, traffic signs, pavement markings and other applicable traffic control devices.
  2. For private streets, paving, street name signs, traffic control devices, curbs and gutters.
  3. In areas where building lots are 20,000 square feet or larger, the Director of Public Works may waive the requirements for sidewalks and street lights. Fire hydrants may only be waived by the Clark County Fire Department.
- d. Full off-site improvements shall be required when parcel map is located:
  1. Across the street from, or immediately adjacent to, existing full off-site improvements. In this case, the developer shall provide matching off-site improvements.
  2. Within 660 feet of existing full off-site improvements, in any direction from the parcel map, provided the parcel map has a street frontage of a nominal 300 feet, which shall include frontage on private streets.
  3. For a second or subsequent minor subdivision, with respect to (a) a single parcel; or (b) a contiguous tract of land under the same ownership, or ownership by a partnership or corporation of which an individual is a principal or officer, or ownership by persons of first degree of consanguinity, any reasonable improvement may be required, but not more than would be required for a major subdivision.
- e. Paving shall be required when any parcel is within a nominal 660 feet (based on 1/64 of a section) of a paved road, or a road for which paving is committed, as described in this Section, or when the parcel is within the PM-10 Non-Attainment Area, as shown on the adopted map, regardless of the distance from a paved road, or a road for which paving is committed. The road providing the access to the parcel, as well as dedicated and private streets within, and adjoining the parcel, shall be paved.

- f. Gravel shall be required when the parcel is more than 660 feet from a paved road, or a road for which paving is committed, as described in this Section, when the parcel is outside the PM-10 Non-Attainment Area. The road providing the access to the parcel, as well as dedicated and private streets within or adjoining the parcel, shall, as a minimum, be graveled. If the smallest resulting parcel is 2 acres or greater, only the dedicated road, or roads, providing the access to the parcels must be graveled. All graveled rights-of-way accepted for dedication will not be accepted for maintenance and repair. The owner(s) of record, their heirs, assigns or successors of the divided parcel remain liable and are required to maintain such roads until maintenance is accepted by the County.
- g. Within the PM-10 Non-Attainment Area, minimum paving requirements shall comply with Clark County Air Quality Regulations, Sections 91 and 93, and shall not be waived. (Ord 3859 § 9 (part), 6/2010; Ord. 2769 § 95, 7/2002; Ord. 2741 § 9 (part), 5/2002; Ord 2573 § 11 (part), 2001)

**30.52.090 Completion of Public Improvements.** Within a period of 2 years of approval of the final map, all public improvements required by these regulations, and other applicable laws and regulations, shall be completely installed and constructed within the area covered by such map. The Director of Public Works may administratively approve extensions of time not to exceed 2 year increments if there are no resulting impacts to programmed, publicly funded projects, or that the extension would not result in a hazardous traffic situation or have a substantial impact on traffic flow as determined by the Director of Public Works. If the extension of time is denied, the manner of appeal is the filing a Waiver of Development Standards per Table 30.16-7, which must be approved by the Board. The applicable bonds, or cash guarantees, shall be recalculated and renewed to cover the extension of time. If the work is not completed within the approved time frame, the bond posted under Section 30.32.150 shall be deemed in default. (Ord. 3924 § 8 (part), 1/2011; Ord. 3859 § 9 (part), 6/2010; Ord. 3518 § 11 (part), 5/2007; Ord. 3432 § 8 (part), 10/2006; Ord. 2961 § 8 (part), 10/2003; Ord. 2769 § 96, 7/2002)

**30.52.100 Provisions for Water.**

- a. **Public Water Service.** Except as permitted by Section 30.52.040(7)(C), when any portion of a development is within 1,250 feet of a public waterline with adequate capacity and pressure to serve the development, water service shall be provided by a public system.
- b. **Individual Wells.** Where single family residential development on lots which were not created by a major or minor subdivision is located in excess of 360 feet of a public waterline, where all other development is located in excess of 1,250 feet of a public waterline, or if a waterline within this distance does not have adequate capacity and pressure to serve the development, individual wells may be used to provide the required water if the developer can provide evidence of the following approvals. Where individual wells are approved as the adequate water supply, the developer shall denote such intention upon the final plat and every sales contract for each lot purchaser.
  - 1. **Las Vegas Valley Artesian Basin.** In the Las Vegas Valley Artesian Basin, as designated and described by the Office of the State Engineer of the State of Nevada (see Appendix G), further subdivision will only be allowed if all the lots within the subdivision are 5 acres or more in size, or if non-revocable water rights are obtained and relinquished back to the public waters in an amount sufficient to support the number of lots being created in a manner approved by the State Engineer for the drilling of individual domestic wells or a water right permit sufficient to support the number of lots being created in a manner approved by the State Engineer. An exception is made within the area shaded on the map titled "Las Vegas Valley Oversizing Areas Map and Projected Urban Water Service Boundary", dated July 29, 1999, adopted herewith, and on file in the Office of the County Clerk (see Appendix G). Lots within this area which rely on wells, surface or groundwater as the adequate source of water may be created if all of the following conditions are met:
    - A. The lot must be created by a parcel map and constitute less than 5 acres, but consist of at least 40,000 square feet or more.

- B. For purposes of ground water supply, the subdivision must be connected to the water facilities of the municipal water purveyor when within 1,250 feet from a waterline with adequate capacity and pressure to serve the subdivision at the time the map is recorded, and must not be in an area restricted by the State Engineer for any other reasons.
  - C. The property owners must sign an agreement which will be recorded and run with the land, binding them and their successors and assigns, stating that they will:
    - i. Connect to the municipal water purveyor's water system in the future when waterlines are located adjacent to their property (as outlined in the agreement), or at the time of development of the property, whichever occurs last, and pay all fees and charges required at that time for such connection.
    - ii. Pay all costs associated with the construction of future adjacent waterlines installed for the extension of water service to the property, or participate in any future special improvement districts providing water service to the property.
    - iii. Plug and abandon, in accordance with specifications acceptable to the State Engineer, any existing well on the property when water district facilities are available.
2. **Indian Springs, Ivanpah Valley North, Ivanpah Valley South, and Sandy Valley Groundwater Basins.** In Indian Springs, Ivanpah Valley North, Ivanpah Valley South, and Sandy Valley Groundwater Basins, as designated and described by the Office of the State Engineer of the State of Nevada (see Appendix G), further subdivision will only be allowed if all the lots within the subdivision are 5 acres or more in size, or if water rights are obtained and relinquished back to the public waters in an amount sufficient to support the number of lots being created in a manner approved by the State Engineer for the drilling of individual domestic wells or a water right permit sufficient to support the number of lots being created in a manner approved by the State Engineer. Lots within this area which rely on wells, surface or groundwater as the adequate source of water may be created if all of the following conditions are met:
- A. For purposes of ground water supply, the subdivision must be connected to the water facilities of the municipal water purveyor when within 1,250 feet from a waterline with adequate capacity and pressure to serve the subdivision at the time the map is recorded, and must not be in an area restricted by the State Engineer for any other reasons.
  - B. The property owners must sign an agreement which will be recorded and run with the land, binding them and their successors and assigns, stating that they will:
    - i. Connect to the municipal water purveyor's water system in the future when waterlines are located adjacent to their property (as outlined in the agreement), or at the time of development of the property, whichever occurs last, and pay all fees and charges required at that time for such connection.
    - ii. Pay all costs associated with the construction of future adjacent waterlines installed for the extension of water service to the property, or participate in any future special improvement districts providing water service to the property.
    - iii. Plug and abandon, in accordance with specifications acceptable to the State Engineer, any existing well on the property when water district facilities are available.
3. **All Other Parts of Clark County.** The developer shall obtain the approval of the State Engineer of the State Division of Water Sources of the Department of Conservation and Natural Resources for the creation of new lots which would rely on the use of wells, surface or groundwater resources.

**4. Accessory Apartment, Guest House, Temporary Living Quarters.** A permit from the State Engineer for non-revocable water rights in an amount sufficient to offset the development of an accessory apartment, guest house, or temporary living quarters shall be required prior to issuance of a building permit for such use on property serviced by a well.

**c. Sanitary Seals.** If a well is used for potable water purposes and is proposed for development within 1,000 feet of an existing underground fuel tank, the well must be developed with a 100 foot sanitary seal. (Ord. 3757 § 6, 4/2009; Ord. 3688 § 9 (part), 10/2008; Ord. 3238 § 6 (part), 7/2005; Ord. 3106 § 8 (part), 8/2004; Ord. 2741 § 9 (part), 5/2002; Ord. 2683 § 4, 11/2001)

#### **30.52.110 Provisions for Sanitary Sewerage Facilities.**

**a. Public Sewerage System.** When the use of an individual sewage disposal system is prohibited by Section 278.460 of the Nevada Administrative Code, due to the proximity of a public sewer line, sewerage collection and/or treatment shall be provided by a public system.

**b. Individual Sewage Disposal Systems.** Where the subdivision is located outside the mandatory connection distance, individual sewage disposal systems may be used to provide the required sanitary sewerage facilities, if the developer can obtain the approval of the Southern Nevada Health District. Where individual sewage disposal systems are approved as the adequate sanitary sewerage facilities, the owner shall denote such intention upon the final plat and every sales contract for each lot purchaser.

**c. Accessory Apartment, Guest House, Temporary Living Quarters.** Prior to the issuance of any building permit for an accessory apartment, guest house, or temporary living quarters, the developer must demonstrate adequate sanitary sewage facilities.

**d. Package Wastewater Treatment Plants.** Where a sewage disposal system is more than 5,000 gallons per day and outside the Clark County Water Reclamation District Service Boundary, a package wastewater treatment plant is acceptable provided that it has been planned and identified in the Clark County 208 Water Quality Management Plan and approved by the directors of the Clark County Water Reclamation District and Department of Air Quality and Environmental Management and the Zoning Administrator. Chapter 24.28 outlines the administrative process for package wastewater treatment plants. (Ord. 3472 § 9 (part), 1/2007; Ord. 3238 § 6 (part), 7/2005; Ord. 3085 § 53, 6/2004)

#### **30.52.120 Waivers.**

**a. Provisions for public water and sanitary sewer services.** Provisions for public water and sanitary sewage services can be administratively waived, subject to all of the following.

- 1.** The lot can only be a part of a minor subdivision and cannot be developed in the immediate future. A notarized statement declaring that the parcel is not being created for the purpose of development, and the owner has no intention of developing the lot at this time, shall be submitted with the minor subdivision application.
- 2.** The future development of a lot created under this Section will be subject to the availability of water and/or sanitary sewer service, and the rules and regulations governing water and sanitary sewer connections at the time of building permits or subsequent re-subdivision. A notation will be included on the map indicating that provisions for water supply or sanitary sewerage service have not been made for a certain lot, or lots, and there is no guarantee that adequate water supply or sanitary sewage service will be available to serve the lots.
- 3.** The resulting lot is within the required connection distance of existing water and/or sewer lines specified.

4. The resulting lot is not in an area where further subdivision is prohibited due to inadequate public water supply, or inadequate public sanitary sewerage line or treatment capacity.
  5. The resulting lot is at least 2 gross acres in size.
  6. Simultaneous with the recording of the map, a covenant and deed restriction shall be recorded, which shall run with the land, and shall serve to inform subsequent purchasers of the property, and shall state that:
    - A. The specified lot, or lots, were created without provisions for water supply or sanitary sewer service.
    - B. Water and/or sanitary sewer service may not be available in the future, which may severely restrict the use of the lot.
  7. Notwithstanding the improvement requirements of this Section, any lot created between July 1, 1973 and July 20, 1993, which was not created by minor subdivision, may submit and record a minor subdivision without being required to improve in order to legalize the lot, providing the lot conforms to all the requirements of this Title and further providing that the lot complies with the Southern Nevada Health District's requirements for individual wells and/or individual sewage disposal systems.
- b. **Director of Public Works.** When an alternative design is shown to be equally serviceable in a particular instance and if the general prosperity, health, safety and welfare of the public are not adversely affected, the Director may approve an administrative minor deviation (in accordance with Table 30.16-8) for:
1. Utility Pole location which shall not be permanent and may be withdrawn by the Director of Public Works upon 30 days notice. Any change in location of any utility poles, or any guy wires, shall be made by the person or firm having ownership or control of the same, at no cost to the County.
  2. Time restrictions, as set forth in Section 30.32.100 (Time Restrictions on Work in Streets) of this Title.
  3. Design standards and specifications as provided for in the *Clark County Supplement to Uniform Standard Drawings*, per Section 30.52.050(b) of this Title or the *Hydrologic Criteria and Drainage Design Manual* (including finished floor elevations outside the One-hundred Year Flood Plain).
  4. Right-of-way width requirements in order to accommodate special conditions such as discontinuity with existing streets or topographic conditions.
  5. Time restrictions, as set forth in 30.52.090.
    - A. The extension(s) of time shall not exceed 2 years total.
    - B. The amount of the bond or cash deposit required must be recalculated if more than 1 year has elapsed since the bond has been posted.



6. For any issue of subdivision layout, location or design, and administrative minor deviation may be approved, provided that an alternative design is shown to be equally serviceable in a particular instance. In no case shall a subdivision design exception be granted under this Subsection which will allow residential lots to front upon a collector or arterial street, allow backing of vehicles onto a street, or allow a double frontage lot access to an arterial street.
- c. **Waivers of Standards.** Waivers to the standards listed in this Chapter may be permitted in accordance with the following:
1. **Waiver of Standards Application.** All standards listed in this Chapter may be waived in accordance with the procedure stipulated in Table 30.16-7, unless otherwise specified it cannot be waived. Applications for waivers of standards shall be presented to the Commission and need not be a public hearing, except for waivers to any requirement for paving (including full width paving and minimum paved legal access) within the right-of-way. Waivers for paving in the right-of-way shall be considered at a public hearing before the Board. When such a waiver accompanies an application to be presented to the Commission, it shall be forwarded to the Board after Commission action. Compliance with all standards of the Clark County Air Quality Regulations is required. For any proposed development within the area shown within the PM-10 Non-Attainment Area, as shown on the map adopted by the Board on June 4, 1997, and as amended, hereby incorporated by reference, the Zoning Administrator shall not accept an application to waive any paving less than a required thirty-two foot wide road unless:
    - i. The proposed lots are being created by minor subdivision for the purpose of sale only and not for immediate development, and providing the smallest lot in the subdivision is not less than 2 1/2 acres in size.
    - ii. The waiver of the paved access road is temporary pending the completion of a special improvement district, subject to the Director of Public Works certifying that the improvement project will be completed within 2 years and providing the applicant signs all documents pertaining to the Special Improvement District.
    - iii. The paving of the access road will result in the complete replacement of the improvement within 2 years due to future improvements to be installed by any public utility or government entity.
    - iv. The proposed lots are to legalize parcels created between July 1, 1973 and July 20, 1993, which were not created by minor subdivision.
  2. If the approval of any land use application by the Board stipulates that any required provision of this Chapter is waived, no further waiver of standards application is required, including conditions of approval for any other land use application which has been appealed to the Board.
- d. **Dedication.** Dedication for any alignment which the Director of Public Works determines is unsuitable for the establishment of a right-of-way because of extreme topographic conditions, established street patterns, areas suitable for historic or scenic purposes, or other similar condition, may be waived through the approval of a land use application, subdivision map, or an administrative minor deviation. (Ord. 3924 § 8 (part), 1/2011; Ord 3859 § 9 (part), 6/2010; Ord. 3472 § 9 (part), 1/2007; Ord. 3432 § 8 (part), 10/2006; Ord. 3397 § 10 (part), 6/2006; Ord. 3297 § 4, 10/2005; Ord. 3085 § 54, 6/2004; Ord 3008 § 7, 12/2003; Ord. 2961 § 8 (part), 10/2003; Ord. 2769 § 97, 98, 99, 7/2002; Ord. 2741 § 9 (part), 5/2002; Ord. 2573 § 11 (part), 2001; Ord. 2559 § 2, 2001; Ord. 2510 § 11 (part), 2000)